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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,108	08/21/2003	Julian B. Lo	PC9812A	6678
28523	7590	09/26/2005	EXAMINER	
PFIZER INC. PATENT DEPARTMENT, MS8260-1611 EASTERN POINT ROAD GROTON, CT 06340			NOLAND, KENNETH W	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,108

Applicant(s)

LO, JULIAN B.

Examiner

Kenneth W. Noland

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 on line 4 recites "a circular --- container". Should not "a" be recited as --said--, as the structure has already been recited in lines 2 and 3. The recitation of " a circular---container" on line 4 is not new structure and the "a" should be changed to --said--to so indicate structure that has already been recited in lines 2 and 3.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. *In regard to this, it is noted on page 11 of the specification and in figure 1c that the projections 15 engage one of the blister cells so that rotation of the blister package is blocked. *However, as noted in figure 1c, with the blister cell in between the projections 15, it is not clearly understood how the blister package would be capable of rotation to another dispensing position, as it appears that the projections 15 would block the

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rotation of the blister package upon contact with the blister cell. Applicant's remarks filed on 08-22-05, relative to the disengagement of the member 11 with blister package is understood, however, the problem with the disclosure is with the noted projections 15 to block any rotation of the blister package, as noted above. Clarification in the specification is required and new matter is not permitted.*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4 are still rejected under 35 U.S.C. 102(*b**) as being **anticipated* by **Studer. Studer discloses a tablet dispenser having a housing 16 to receive the rotatable medication container 19 that is comprises of the blister package 20 *.The housing also has the single aperture 29. Note also the 'locking means' 49,35 to effect the one-way or non-reversal rotation (locked position) of the container when the tablet is to be dispensed. When the container is rotated to its next position, the tablet is not dispensed as during this rotation. The locking means are associated with the container.

7. Claims 1-4 are still rejected under 35 U.S.C. 102(*b**) as being *anticipated** by **Lambelet*, Jr(corrected). Lambelet Jr. discloses another tablet dispenser having a housing 201 in figure 8 to receive the rotatable medication container 205,204,203 that

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consists of the blister package 235 . The housing has a single aperture 208. Note also the 'locking means' 222,224 in col 12 , lines 15-18 to effect the non-reversal rotation (locked position) of the container as when the tablet is to be dispensed. When the container is rotated to its next position, the tablet is not dispensed as during this rotation. The locking means is associated with the container.

8. If the rejection in paragraph 4 is overcome, then claim 5 would be considered allowed if rewritten in independent form

9. Applicant's remarks filed on 08-22-05 have been fully considered, however, the enablement problem noted in paragraph 4 regarding the projections 15 that block the rotation of the blister package is still not clarified. Both the references to Studer and Lambelet, Jr. still disclose the claimed invention of claims 1-4 to effect a 'locking means' that prevent the rotation of the container as in the reverse direction or a 'locked position' as when the tablet is to be dispensed, and when the container is to be rotated to its next position, the tablet is not dispensed during this rotation. Finally, on page 5 of the remarks, the comments of the 'child-resistant' feature and the locking feature to prevent dispensing in either a forward or reverse direction are more directed to the specification than to the claims. As such, the remarks are not deemed persuasive.

10 THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth W. Noland whose telephone number is (571) 272-6941. The examiner can normally be reached on Monday-Thursday ,each week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (703) 306-4173. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Kenneth W. Noland 9/21/2005

**KENNETH W. NOLAND
PRIMARY EXAMINER**